

## **REMARKS**

### **Interview**

Applicants wish to thank the Examiner for considering the issues raised in the Office Action dated August 13, 2003, during the interview on November 14. During the interview, Applicants explained why the prior art references by Yang and Koa do not disclose Applicants' invention. As before, the Examiner agreed to prepare a detailed summary of the interview for the file.

### **Drawings**

The Examiner has objected to the drawings because the Examiner asserts that the first retaining surface and the second retaining surface are not shown in the drawings. Contrary to the Examiner's comment, these features are shown in the original drawings. However, in order to clarify the terminology of the claims, Applicants have amended Figures 36 and 51 by adding reference numbers for the first retaining surface 518 and the second retaining surface 520. Likewise, in order to avoid a similar rejection from the Examiner, Applicants have also amended Figures 35 and 51 to add a reference number for the open area 522 now referred to in claims 1, 55, 60 and 65.

### **Specification**

The Examiner has objected to the specification on the basis that the terms "first retaining surface" and "second retaining surface" lack antecedent basis. To obviate this objection, Applicants have amended the specification to clarify the antecedent basis of these terms. Likewise, Applicants have also amended the specification to clarify the antecedent basis of the term "open area" now referred to in claims 1, 55, 60 and 65. Support for these aspects are found throughout the original specification and figures, including for example without limitation, Figures 35, 36 and 51.

### **35 U.S.C. § 112 Rejections**

The Examiner has rejected claims 1, 6-14 and 16-18 under 35 U.S.C. § 112 ¶ 2 as being indefinite regarding the first retaining surface and the second retaining surface

which are referred to in claim 1. In light of the amendments discussed above, this rejection may now be withdrawn.

### **35 U.S.C. § 102 Rejections**

The Examiner has rejected claims 1, 10, 14, 55, 60, 61 and 65 under 35 U.S.C. § 102(b) as being anticipated by Koa (U.S. Patent No. 5,067,773). Applicants have carefully considered the Examiner's comments. In order the advance prosecution of Applicants' invention, Applicants have amended claims 1, 55, 60 and 65 to distinguish Applicants' invention from the prior art relied upon by the Examiner.

Amended claim 1 now characterizes the body support surface as having "at least a portion of said fabric spanning an open area thereby defining a suspended fabric surface adapted to support a body." Similarly, amended claims 55, 60 and 65 set forth the antecedent basis for the body support surface and likewise characterize the body support surface as having "at least a portion of said fabric spanning an open area thereby defining a suspended fabric surface adapted to support a body."

Koa does not disclose the subject matter of Applicants' claims as now presented. In particular, the body support surface disclosed in Koa is completely different than the body support surface that is claimed. A review of Figures 1, 32, 35 and 49-53 of Applicants' drawings may be helpful in appreciating the differences between Applicants' invention and Koa. Applicants' invention relates to a body support surface in which a fabric spans across an open area. The fabric is therefore suspended over the open area and is capable of supporting a body over the open area. Thus, the suspended fabric provides the primary support structure over the open area. The advantages of this type of body support structure are numerous, including improved breathability and improved aesthetics. However, the manufacturing and design issues that must be considered with suspended fabric body support structures are quite different than those of conventional body support structures.

In contrast, Koa discloses an entirely different type of body support structure that is conventional in nature. In Koa, the body support structure is a cushion 12 made of synthetic plastic foam. (Col. 3, lines 22-23). The closest structure in Koa to Applicants' fabric is the flexible cover 64 that is formed of vinyl. (Col. 3, line 63). However, the

flexible cover 64 is bonded to the cushion 12 and extends over the cushion periphery 22. (Col. 3, line 63 through col. 4, line 2). Thus, the body support structure of Koa is completely different than the body support structure that is claimed. In Koa, the fabric (i.e., flexible cover 64) is nothing more than a covering for the cushion 12. The cushion 12 provides the primary support structure in Koa, not the fabric. By contrast, in the claimed body support structure, the suspended fabric provides the primary support structure.

Accordingly, Koa does not disclose all of the limitations of claims 1, 55, 60 and 65 as now presented. In addition, because claims 10 and 14 depend from claim 1, which is allowable, these claims are also allowable and additional arguments addressed thereto at this time would be superfluous. Likewise, because claim 61 depends from claim 60, which is allowable, this claim is also allowable and additional arguments addressed thereto would be superfluous at this time. Therefore, this rejection may now be withdrawn.

The Examiner has also rejected claims 55, 60 and 65 under 35 U.S.C. § 102(b) as being anticipated by Yang (U.S. Patent No. 5,503,455). Applicants, however, respectfully submit that Yang does not disclose the limitations of Applicants' claims.

In particular, claim 55 requires that the "grasping members extend[ ] from said first, body-facing side of said frame." However, in Yang the cord anchorage grooves 11, upon which the Examiner relies, extend from the back of the frame. (Figures 2-3; col. 2, lines 3-12; col. 2, lines 15-19). Claim 60 requires that the "grasping members extend[ ] from said frame along said outer periphery thereof" and also requires that the "fabric cover[ ] . . . at least a portion of said body-facing surface of said frame." However, in Yang the cord anchorage grooves 11, upon which the Examiner relies, extend from the inner periphery of the frame. (Figures 2 and 3). In addition, the beaded cushion panel 21 only covers the back of the frame, not the body-facing side. (Figures 2-3; col. 2, lines 3-31). Claim 65 requires that the "fabric cover[ ] at least a portion of said body-facing surface of said frame." However, in Yang the beaded cushion panel 21 only covers the back of the frame, not the body-facing side. (Figures 2-3; col. 2, lines 3-31).

Accordingly, Yang does not disclose all of the limitations of claims 55, 60 and 65 as now presented. Therefore, this rejection may also be withdrawn.

The Examiner has also rejected claims 55, 60, 61 and 65 under 35 U.S.C. § 102(b) as being anticipated by Kindig et al. (U.S. Patent No. 5,015,034). The Applicants have carefully considered the Examiner's comments. However, Applicants respectfully submit that Kindig et al. does not disclose the limitations of Applicants' claims.

In particular, claims 55, 60 and 65 each require that the frame and the fabric form a body support structure which is "characterized by at least a portion of said fabric spanning an open area thereby defining a suspended fabric surface adapted to support a body." However, in Kindig et al. the fabric that the Examiner relies upon is an upholstery material 40 used to trim a substrate 30. (Col. 3, lines 3-10; col. 3, lines 43-46). There is no disclosure in Kindig of a suspended fabric that may be used to support a body.

Accordingly, Kindig et al. does not disclose all of the limitations of claims 55, 60 and 65 as now presented. In addition, because claim 61 depends upon claim 60, which is allowable, this claim is also allowable and additional arguments addressed thereto would be superfluous at this time. Therefore, this rejection may also be withdrawn.

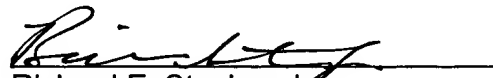
### **35 U.S.C. § 103 Rejections**

The Examiner has rejected claim 13 over Koa (U.S. Patent No. 5, 067,773); has rejected claims 56-59, 62-64 and 66-69 over McLarty, III et al. (U.S. Patent No. 5,632,526); has rejected claims 56-57 and 66-67 over Yang (U.S. Patent No. 5,503,455) in view of McLarty, III et al. (U.S. Patent No. 5,632,526); and has rejected claims 6, 7, 16, 56-58, 62-63 and 66-68 over Koa (U.S. Patent No. 5,067,773) in view of McLarty, III et al. (U.S. Patent No. 5,632,526). All of these claims are dependent claims that depend either directly or indirectly from claims 1, 55, 60 or 65. As discussed above, claims 1, 55, 60 and 65 are allowable as now presented. Therefore, all of the claims that depend therefrom are also allowable and specific arguments addressed to each of the dependant claims that have been rejected would be superfluous at this time.

## Conclusion

None of the prior art of record discloses the limitations of Applicants' claims as now presented. In addition, all matters of form have been addressed. Thus, the application stands ready for allowance. Accordingly, reconsideration is requested.

Respectfully submitted,



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